

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (Large Entity)

Application Number: 09/853,187

Group Art Unit: 2155

Filed: May 11, 2001

Examiner Name: BATES, Kevin T.

Applicant: ARNESON et al.

Attorney Docket Number: 20-486

TITLE: EVENT NOTIFICATION SYSTEM AND METHOD

Total Number of Pages in this Submission: 9 (3 pages filed in triplicate)

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Transmitted herewith is:

A Reply Brief in the above-identified application (9 Pages)

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER Amendment	HIGHEST # PREV. PAID FOR	# OF EXTRA CLAIMS	RATE	ADDITIONAL FEE
Total Claims	68	68	0	x \$50 =	\$ 0.00
Independent Claims	12	12	0	x \$200 =	\$ 0.00
TOTAL ADDITIONAL FEE:					\$ 0.00

The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. 1.16 or any patent application processing fees under 37 C.F.R. 1.17 associated with this communication, or credit any over payment to **Deposit Account No. 50-0687 under Order No. 20-486.**

Respectfully submitted,

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Date: July 19, 2006

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In re Patent Application of:

ARNESON et al.

Title: **EVENT NOTIFICATION SYSTEM AND METHOD**

July 19, 2006

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant submits herewith the following Reply Brief in triplicate as required by 37 C.F.R. § 1.193(b).

SUMMARY

The Examiner's Answer exemplifies the frustration of the Applicants in the prosecution of the present application: the Examiner continues to allege that it would have been obvious at the time of the invention to combine Helferich and Rajan to arrive at the claimed invention.

Section 103 rejections combining Helferich and Rajan

The Examiner again ACKNOWLEDGED that Helferich fails to disclose an event message that is an indication of a change associated with a predefined Internet site content. The Examiner AGAIN alleged that the motivation to modify Helferich with an event message indicating a change associated with a predefined Internet site content is "in order to the user to know of anything has changed on a defined data location, rather than wasting

bandwidth and money checking periodically if there has been changes”. (see Examiner’s Answer, page 3). However, the Examiner’s has **failed** to **REFUTE** the Examiner’s alleged motivation to modify Helferich is the Rajan’s disclosed reason for delivering an email message to a user instead of having a user use bandwidth to log onto the Internet to review changes. However, the Examiner’s alleged modification of Helferich, i.e., Rajan’s disclosed benefit of his invention, to provide a Rajan’s phone number instead of Helferich’s email message would **STILL** require a user to “waste” bandwidth to **CALL** the phone number and listen to changes associated with a predefined Internet site content, both requiring use of network bandwidth. Thus, the Examiner’s motivation to modify Helferich that would require calling a telephone number to retrieve desired information would **NOT** result in the bandwidth savings that resulted in Rajan’s sending an email message containing the desired information. The Examiner has **FAILED** to address the fact that the Examiner’s motivation to modify Helferich fails to provide the benefit relied on by the Examiner to support the alleged obvious modification of Helferich, much less **REFUTE** the Applicant’s arguments.

The Examiner again **ACKNOWLEDGED** that Helferich fails to disclose an event message is an indication of a change associated with a predefined Internet site content. The Examiner relies on Rajan to disclose generation of an alert/event message for a user, when changes are made to predefined Internet sites. However, as previously discussed, the prior art fails to disclose use of anything besides an email to alert a user of changes to predefined Internet sites. Helferich’s invention is directed toward providing notifications of an awaiting email. **NOTHING** within Helferich nor Rajan suggests modifying Helferich’s invention to provide alerts for anything beside awaiting email. The Examiner has **STILL** failed to provide some type of suggestion within the prior art to modify Helferich to provide alerts for anything besides an awaiting email. “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). In re Mills, 16 USPQ2d 1430 (Fed. Cir. 1990).

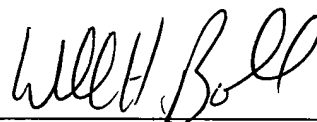
Without some suggestion within the cited prior art to suggest modification of Helferich to provide alerts for something other than email, the Examiner is simply using the Examiner's claims as a template and recreating the claimed features without some suggestion within the cited prior art for modifying Helferich. "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." In re Fritch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

Conclusion

Applicant has prosecuted this application in good faith, but continues to be faced by the current Examination team with 103 rejections, combining references that fail to teach a key feature of the invention and allegedly once combined teach the key feature. As a result, Applicants have no choice but to Appeal the unfair and stubborn interpretations of unrelated prior art by the Examiner in the present application.

For the reasons set forth above, the rejections of claims 1-68 are improper and should be reversed. The Applicant therefore respectfully requests that this Appeal be granted and that the rejections of the claims be reversed.

Respectfully submitted,



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